UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

FEB 15 2008

West-wide Energy Corridor PEIS
Argonne National Laboratory
9700 S. Cass Ave., Bldg. 900, Mail Stop 4
Argonne, IL 60439

Dear Sir/Madame:

In accordance with the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's (DOE) and the Department of Interior's (DOI) draft Programmatic Environmental Impact Statement (draft EIS) for the Designation of Energy Corridors on Federal Land in the 11 Western States. Our general concerns are highlighted below with detailed comments enclosed for your consideration

The draft EIS evaluates the environmental impacts of designating energy transport corridors on federal lands in eleven western states in accordance with Section 368 of the Energy Policy Act of 2005. The coordinated effort of all the relevant land management agencies is aimed at expediting future sitings of oil, gas, and hydrogen pipelines and electricity transmission and distribution on federal lands in western states, and to address growing energy needs in this region. When approved, the action will universally provide an amendment to 165 land use or resource management plans. Pursuant to Section 368, the agencies are expected to develop interagency operating procedures (IOPs) for implementing the approval of Rights-of-Way (ROW) for energy corridors to expedite future upgrades to the energy grid.

To meet the goals described above, the draft EIS evaluated a No Action Alternative, that would not designate land as energy corridors pursuant to Section 368, and the Proposed Alternative, that would designate 6,055 miles of energy corridor in the Western US. These corridors are based on environmental, engineering, and land use screens to reduce potential environmental and land use conflicts. The Proposed Alternative is

considered to be the best approach to achieve new and upgraded infrastructure, improved reliability and reduced congestion and the approval of ROWs for energy transport projects across the Western States. Corridors are proposed to be 3,500 feet wide to support multiple energy projects unless otherwise specified based on environmental or management constraints.

The draft EIS evaluated the No Action and Proposed Action Alternatives and removed from consideration eight other alternatives. Taken individually those alternatives do not meet the purpose and need; we believe, however, that DOE/DOI should consider combining in the final EIS meritorious elements from the rejected alternatives that could offer a third, reasonable, alternative that would better satisfy the requirement of analyzing a full range of alternatives.

The draft EIS states that the designation of energy corridors and amendments to approximately 165 land use and resource management plans does not constitute a final action; approval of ROWs and other on-the-ground actions would require additional NEPA analysis. We agree with this approach. However, the final EIS should state whether the categorical exclusions (CEs) established by section 390 of the 2005 Energy Policy Act, or existing reality CEs or other CEs, apply to land use or resource management plans that are amended by the ROD.

The draft EIS concludes that direct impacts to "Waters of the US" (waters) would not occur as a result of the implementation of either of the alternatives presented in the draft EIS (Appendix N-8). It appears, however, that this conclusion is based on outdated or inappropriately scaled maps. For example, the Map Atlas provided in Volume III is at such a large scale that it cannot be relied upon to accurately disclose the extent of waters within the energy corridors under consideration. We believe that the information used in the draft EIS should be updated and validated, if necessary with the use of aerial photography and field analysis, and included in the final EIS. In a related matter, the draft EIS states that the designated energy corridors will meet the requirements of the Clean Water Act (CWA); we suggest that the final EIS provide more detail on how the specific requirements of section 404 of the CWA apply to, and will be met by, future actions.

Section 368 charges the Secretaries with developing procedures to expedite actions to construct pipelines and electric transmission and distribution facilities. Similarly, the action agencies are charged with developing IOPs. These procedures will be critical for implementing energy corridor designations. The final EIS should give more detail about how these procedures would be developed, when they will be completed, and if this will be a process that will be open to public review and comment.

Based on the potential for the underestimation of wetlands in the designated corridors and the need for additional information, especially related to a wetlands inventory and maps, EPA is rating the draft EIS as Environmental Concerns - Insufficient Information (EC-2). The staff contact for this review is Elaine Suriano (202 564-7162).

Sincerely,

Anne N. Miller

Anne Norton Miller
Director
Office of Federal Activities

Enclosure

EPA's Detailed Comments
Designation of Energy Corridors in the 11 Western States

Calculation of Intersections and/or Proximity Events and Summary Tables 3.9-1, 3.9-2, and 3.9-3

It appears that the summary tables understate the number of features with corridor intersections and/or proximity events. Tables calculate when designated corridors intersect a particular Visual Resource Area (VRA) or other type, and not the multiple numbers of times a designated corridor may actually intersect the same VRA. For example, by reference to Appendix P-1, a designated corridor intersects the "Old Spanish Trail", a national historic trail in Colorado in four separate places or Western WY Energy Corridor segments (130-274, 132-136, 139-277, and 87-277). Table 3.9-2 and Table 3.10-5 report only a single feature, i.e., the "Old Spanish Trail" has an intersection with a corridor. The final EIS should determine how often the VRA will be intersected. Optimally, tables should reflect both when and how often special resources are intersected.

Designation of Section 368, 2005 Energy Policy Act Corridors and Existing ACECs

Although Table 2.2-3 indicates that no locally designated areas of critical concern (ACECs) have been incorporated into the corridors proposed for Wyoming, it appears that some ACECs were included in the proposed corridor designations. The draft EIS acknowledges the possibility of corridor designations conflicting with sensitive resources (Text Box 2.2-3 [page 2-13]); we recommend this apparent conflict be resolved in the final EIS.

Recommendations and Resources for your consideration:

We recommend that the following be reflected, as appropriate, in the final EIS:

- *Renewable Energy Atlas of the West: Guide to the Region's Resource Potential* (http://www.energyatlas.org/) - to update the maps displaying renewable energy resources on pages 2-17 and 2-20.

- Idaho National Laboratory Geothermal Energy Maps (http://geothermal.inl.gov/maps/index.shtml).

- recent publication on Renewable Energy Transmission Needs in Nevada referenced at: www.nctimes.com/articles/2008/01/26/news/state/14_20_491_25_08.txt